IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2261 OF 2007

Firozkhan @ Munna Husenkhan Pathan. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Rahul J. Kasliwal for the applicant.

K.V.Saste, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 2nd August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is arrested for the offences punishable under sections 307, 120(B), 201 read with section 34 of Indian Penal Code and section 3(25) of the Arms Act by the Bhadrakali Police Station, Nashik under C.R.No.239/2006 which was subsequently transferred to Ambad Police Station and reregistered as C.R.No.481/2006.

3. By this application, the applicant is seeking bail in Sessions Case No.19/2007 on parity. One of

the co-accused- Jaya Ramdas Ahire has already been granted bail by the Adhoc Addl.Sessions Judge-6, Nasik vide his order dated 29th March, 2007. The relevant observations made in the order are as under:

> 3. The complainant had given his statement on 6.9.2006 at Metro hospital itself. Wherein he has alleged to have been robbed of Rs.18 thousand by 4 unknown persons after having been assaulted with some weapon over his nose land forehead. In his statement, he does not alleged to have been shot in his back. He again gave a supplementary statement on 12th September reiterating the same allegations but clarifying that he was robbed of Rs.1400/- only and not Rs.18,000/-. Again on 14th October, 2006, he gave another supplementary statement alleging the applicant herein and three others to have been kidnapped and assaulted.
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> 4. As such, there is inconsistency in the statement of the complainant. The FIR has been lodged against some unknown persons. Investigation of the offence was over. Charge sheet has been laid. Without making any observations as to merits of the case, suffice it to say that aforesaid police statements of the complainant dictate me to release the applicant on bail in terms of following order."

4. The aforesaid grounds are placed in service by the present applicant to seek bail. Learned counsel for the applicant submits that the aforesaid grounds would found good even in the case of the present applicant. The learned A.P.P. though, initially, tried to contend that parity would not be available to the present applicant, however, he could not take his submission to the logical end. In the above view of the matter, considering parity, I am inclined to grant

bail to the applicant, subject to the following conditions:

(a) The applicant be released on bail in Sessions Case No.18/2007 on his executing P.R.Bond of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Ambad Police Station, Nashik once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or

pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE